

**From:** Maung Maung  
**To:** Burton, Priscilla  
**Date:** 12/24/2003 8:27:58 AM  
**Subject:** Fwd: Emery Mine NOI responses

Comments on the draft AO.

>>> "Gefferth, John" <JohnGefferth@consolenergy.com> 12/22/2003 8:23:31 AM >>>  
Maung

Attached is a copy of Consolidation Coal Companies response to your draft approval order.

A hard copy will be sent in the mail today.

If you have any question please call me at the numbers below. <<UDAQ Cover 12-18-03.doc>>

John Gefferth  
Consol Energy  
P.O. Box 566  
Sesser, Illinois 62884  
618-625-6850 office  
618-534-5151 cell  
618-625-6844 fax  
[www.consolenergy.com](http://www.consolenergy.com)

**CC:** Ernstsen, Jerriann; Grubaugh-Littig, Pam; Jensen, Gisela

**Consolidation Coal Company**

P.O. Box 566  
 Sesser, IL 62884  
 (618) 625-2041

December 19, 2003

Richard W. Sprott, Director  
 Utah Division of Air Quality  
 150 North 1950 West  
 P.O. Box 144820  
 Salt Lake City, Utah 84114-4820

Re: Notice of Intent to Modify Approval Order DAQE-117-95  
 Comments on draft Approval Order (12/11/03)  
 Consolidation Coal Company – Emery Mine  
 Emery County, Utah

Dear Mr. Sprott:

Consolidation Coal Company is in receipt of your draft Approval Order faxed on 12/11/03. We offer the following comments for your consideration.

With respect to ownership of the property, Consol is currently in negotiations with C & P Coal to sell the Emery Mine. Consolidation Coal Company is the owner and operator of the Emery Mine. It was originally anticipated that the transfer would take place on November 14, 2003. A memo, Permit Transfer Agreement and Ownership change Notification form were submitted to your office on 10/13/03. The language in the cover letter and the Permit Transfer Agreement, state that the transfer would be effective on November 14, 2003 or the date of final sale closure. The new sale closure date has been extended to mid January 2004. Consol requests that you change all references from C & P Coal to Consolidation Coal Company. Also please use James Byars as the contact for the Emery mine.

Under section 'Limitations and Test procedures' item 10, Consol is concerned by DAQ's revision of this General Condition from the Approval Order currently in effect and issued August 5, 2002. Opacity limits have been adjusted as follows:

<b>8/5/02 AO</b>	<b>12/11/03 Draft AO</b>
	A. All crushers – 15% opacity
	B. All screens – 10% opacity
A. Conveyor to conveyor transfer points – 10% opacity	C. Conveyor to conveyor transfer points – 10% opacity
	D. All storage piles – 10% opacity
B. All others – 20% opacity	E. All other points – 20% opacity

Notably, lower limits are intended for crushers, screens, and storage piles. We note that Utah Administrative Rule R307-205-2 limits fugitive emissions from sources constructed after 1971 to 20% opacity. Similarly, federal regulations at 40 CFR 60.252 (c) limits opacity from coal processing and conveying equipment and coal storage systems to 20% opacity.

It thus appears that the more stringent opacity limits proposed for crushers, screens, and storage piles at Emery Mine are either in error or have been discretionarily applied.

Consolidation Coal notes that land use of adjacent properties has not changed in the 16 months since the previous AO was issued. Consolidation Coal is unaware of formal complaints by adjacent land owners, land users, or other Emery County residents pertaining to fugitive dust from the Emery Mine. Further, the Emery Mine has not received

any Notices of Violation from DAQ related to opacity. Thus, it is difficult to imagine a cause warranting such

discretionary opacity limits. Indeed, it is more difficult to comprehend why DAQ would be moved to this action in light of the aggressive fugitive dust control program that Consolidation Coal is currently implementing at Emery Mine (wind fences, water cannons, improved spray bars, improved coal yard traffic management) as a condition of our Mining and Reclamation Plan.

Consolidation Coal therefore requests that DAQ retain the opacity limits specified in the August 5, 2002 Approval Order.

Under section 'Limitations and Test procedures' item 15, the haul roads will not be paved. The county road upgrade will be graveled to county specifications and dust suppressant applied as needed. The haul road relocation within Consol property will also be graveled and dust suppressant will be used. Please refer to Consol's original memo dated 10/31/2003, items Haul Truck Re-route and Dust Treatment Program. Consol requests that item 15 reflect that the haul road and county road will be gravel. As can be seen on Figure 1 of our 10/31/03 submittal, the original haul truck route brought trucks onto the property around the stockpile to the load-out. This path had the trucks traveling in the coal yard for approximately 600 feet. The new re-route has the trucks being brought onto the property south-east of the load-out without traversing the coal yard. This route is only 400 feet in length with the trucks being in the coal yard for only 150 feet. This new configuration should considerably reduce the amount of dust generated from the haul trucks.

Under section 'Limitations and Test procedures' item 16, Consolidation Coal presumes that the reference to "moisture content" in this General Condition means "total moisture content" and requests that the language be clarified to reflect such.

Thank you in advance for your early attention to the matter of processing the Notice of Intent. Please forward any future correspondence to my attention at the above address or [johngefferth@consolenergy.com](mailto:johngefferth@consolenergy.com). Please call me with any questions or concerns at (618) 625-6850.

Sincerely,

John Gefferth  
Permit Coordinator

Cc: Kelly Payne (Norwest)

JAG/jag  
UDAQ Cover 12-18-03.doc